

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

)
) MDL No. 1456
)

) CIVIL ACTION: 01-CV-12257 PBS
)

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

)
) Judge Patti B. Saris
)

) Chief Mag. Judge Marianne B. Bowler
)

STATUS REPORT JULY 1, 2004

The undersigned counsel for Plaintiffs and Defendants hereby submit the attached status reports to the Court. The first chart shows only that which remains pending. The second chart provides more detail for matters that do not require action.

Respectfully Submitted,

PLAINTIFFS' LEAD COUNSEL
ON BEHALF OF ALL PLAINTIFFS

By 

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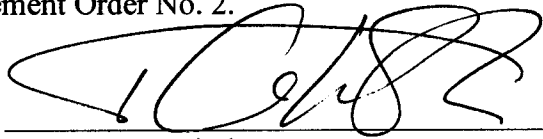
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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on July 1, 2004, pursuant to Section D of Case Management Order No. 2.

A handwritten signature in black ink, appearing to read 'T. Sobol', is written over a horizontal line.

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MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Montana v. Abbott Labs, Inc. et al.	02-CV-12084-PBS	Removed to D. Mont.	<ul style="list-style-type: none"> No Pending Motions <ul style="list-style-type: none"> Answers due July 12, 2004
Nevada v. American Home Products, Inc. et al (“Nevada II”)	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> No Pending Motions <ul style="list-style-type: none"> Answers due July 12, 2004
California <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs,, Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> Renewed Motion to Remand <i>sub judice</i> <ul style="list-style-type: none"> Hearing held on December 12, 2003 Supplemental Brief Regarding the Issue of Federal Preemption of Rebate Claims filed by Plaintiff on December 18, 2003 Response filed by Abbott on January 9, 2004 Briefing on motion to dismiss postponed pending a ruling on renewed motion to remand
County of Suffolk v. Abbott Labs,, Inc. et al.	03-CV-10643-PBS	E.D.N.Y.	<ul style="list-style-type: none"> Motions to Dismiss <i>sub judice</i> <ul style="list-style-type: none"> Hearing held on December 12, 2003 June 14, 2004 – Defendants’ Notice of Supplemental Authority in the Suffolk case June 18, 2004 – Plaintiff Suffolk County’s Response To Defendants’ Notice Of Supplemental Authority June 24, 2004 – Defendants’ Motion to Strike Plaintiffs’ Response to Defendants’ Notice of Supplemental Authority, or for Leave to File a Reply June 28, 2004 – Plaintiff Suffolk County’s Opposition To Defendants’ Motion To Strike Suffolk’s Response To Defendants’ Notice Of Supplemental Authority June 29, 2004 – Order denying Motion to Strike Response to Defendants’ Notice of Supplemental Authority
County of Rockland v. Abbott Labs,, Inc. et al.	03-CV-12347-PBS	S.D.N.Y.	<ul style="list-style-type: none"> No Pending Motions <ul style="list-style-type: none"> Stipulation in place extending defendants’ time to answer until 30 days after decision on motions to dismiss Suffolk County complaint
County of Westchester v. Abbott Labs,, Inc. et al.	n/a	S.D.N.Y.	<ul style="list-style-type: none"> No Pending Motions <ul style="list-style-type: none"> Stipulation in place extending defendants’ time to answer until 30 days after decision on motions to dismiss Suffolk County complaint

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Texas <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Roxane Laborfortes, Inc.	n/a	Removed to W.D. Tex.	<ul style="list-style-type: none">• June 2, 2004 – Motion of the State of Texas and Relator to Remand Action to Texas State Court <i>sub judice</i><ul style="list-style-type: none">○ June 2, 2004 – The State of Texas and Relator's Memorandum of Law in Support of Motion to Remand○ No Opposition to be Filed

MDL 1456 STATUS CHART – PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none">• April 2, 2004 – Motion for Entry of Separate and Final Judgment in Favor of Hoffmann-La Roche Inc. <i>sub judice</i><ul style="list-style-type: none">◦ April 23, 2004 – Plaintiffs' Statement in Response to Motion for Entry of Separate and Final Judgment in Favor of Defendant Hoffmann-La Roche Inc. Pursuant to Federal Rule of Civil Procedure 54(B)• April 27, 2004 – Plaintiff Suffolk County's Motion Respecting Coordinated Discovery <i>sub judice</i><ul style="list-style-type: none">◦ May 11, 2003 – Response of Liaison Counsel to Suffolk County's Motion Respecting Coordinated Discovery◦ May 24, 2004 – Plaintiff Suffolk County's Reply on Motion Respecting Coordinated Discovery◦ May 26, 2004 – Plaintiffs' Motion to File A Surreply In Opposition to Suffolk County's Reply on Motion Respecting Coordinating Discovery; Liaison and Plaintiff Counsels' Surreply to Suffolk County's Reply on Motion Respecting Coordinated Discovery◦ May 28, 2004 – Memorandum of Bristol-Myers Squibb Company in Response To The Motion Of County Of Suffolk Addressing The Role Of Liaison Counsel For All Plaintiffs◦ June 22, 2004 – Order Granting Plaintiffs' Motion for Leave to File a Surreply in Opposition to Suffolk County's Reply on Motion Respecting Coordinating Discovery• May 3, 2004 – Plaintiffs' Motion to Compel The Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, Astrazeneca, Schering Plough, Sisor and Together Rx Defendants <i>sub judice</i> (Magistrate Bowler)<ul style="list-style-type: none">◦ May 3, 3004 – Plaintiffs' Memorandum in Support of Motion to Compel the Production of Documents Created During the Relevant Time Period From Defendants Abbott Laboratories, Astrazeneca, Schering Plough, Sisor and Together Rx Defendants◦ May 17, 2004 – Certain Defendants' Notice of Opposition to Plaintiffs' Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time◦ May 26, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant	
Master Consolidated Class Action			

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
			<ul style="list-style-type: none"> Time Period Directed at Defendant Schering-Plough (<i>Note: withdrawal applies only to Schering-Plough</i>) May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs' Motion to Compel the Production of Documents May 28, 2004 – Notice Of Withdrawal Of Plaintiffs' Motion To Compel The Production Of Documents Created During The Relevant Time Period Directed At Defendant Abbott Laboratories (<i>Note: withdrawal applies only to Abbott Laboratories</i>) June 8, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. (<i>Note: withdrawal applies only to AstraZeneca</i>) June 9, 2004 – Plaintiffs' Reply Memorandum In Support of Motion To Compel The Production of Documents Created During The Relevant Time Period From The Together Rx Defendants June 22, 2004 – Order granting Plaintiffs' Motion to Withdraw Motion to Compel Directed at Abbott Laboratories June 22, 2004 – Order granting AstraZeneca's Assented to Motion for Extension of Time to File Response to Plaintiffs' Motion to Compel June 22, 2004 – Order finding as Moot AstraZeneca's Motion for Extension of Time to Oppose Plaintiffs' Motion to Compel Awaiting scheduling of hearing or ruling by Court as to Together Rx Defendants. June 15, 2004 – Track 1 Defendants' Motion for a Protective Order Precluding Plaintiffs from Taking Depositions Notice on May 27, 2004 <i>sub judice</i> (Magistrate Bowler) <ul style="list-style-type: none"> June 24, 2004 – Plaintiffs' Opposition to Motion for Protective Order Awaiting scheduling of hearing or ruling by Court. Consolidated into Master Class Action
Thompson v. Abbott Labs, Inc. et al.	03-CV-11286-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> Consolidated into Master Class Action
Turner v. Abbott Labs., Inc. et al.	03-CV-10696-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> Consolidated into Master Class Action
Congress of California Seniors v.	03-CV-10216-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> Consolidated into Master Class Action

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Abbott Labs, Inc. et al. International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al.	n/a	Removed to D.N.J.	<ul style="list-style-type: none">• Motion to Remand filed in District of New Jersey prior to transfer; briefed while pending in District of New Jersey

MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Montana v. Abbott Labs., Inc. et al.	02-CV-12084-PBS	Removed to D. Mont.	<ul style="list-style-type: none"> • September 15, 2003 – Defendants' Motion to Dismiss the State of Montana's Second Amended Complaint and the State of Nevada's Amended Complaint <ul style="list-style-type: none"> ○ September 15, 2003 – Defendant-Specific Memoranda in Support of the Motions to Dismiss the Amended Complaint of the State of Nevada and the Second Amended Complaint of the State of Montana ○ October 10, 2003 – Plaintiffs State of Nevada's and State of Montana's Joint Memorandum in Opposition to Defendants' Motion to Dismiss ○ October 13, 2003 – State of Montana's and State of Nevada's Memorandum in Opposition to Defendant-Specific Memoranda on Motions to Dismiss ○ October 28, 2003 – Unopposed Motion to Extend the Dates for Filing of Defendants' Reply And Plaintiffs' Surreply on the Defendants' Motions to Dismiss the State of Montana's Second Amended Complaint And the State of Nevada's Amended Complaint ○ November 7, 2003 – Consolidated Reply Memorandum In Support Of Defendants' Motion To Dismiss The State Of Montana's Second Amended Complaint And The State Of Nevada's Amended Complaint ○ November 7, 2003 – Defendant Specific Replies in Support of Motions to Dismiss Amended Complaints of Montana and Nevada ○ November 25, 2003 – Plaintiffs State of Nevada's and State of Montana's Joint Surreply in Opposition to Defendants' Motion to Dismiss ○ December 3, 2003 – Fujisawa Healthcare and Fujisawa USA joinder in joint motion to dismiss Nevada and Montana actions ○ December 12, 2003 – Hearing held at 2:00pm ○ June 14, 2004 – Memorandum and Order on Defendants' Motion to Dismiss the Montana and Nevada Actions ○ No Further Action Required by the Court
Nevada v. American Home Products, Inc. et al ("Nevada II")	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> • September 15, 2003 – Defendants' Motion to Dismiss the State of Montana's Second Amended Complaint and the State of Nevada's Amended Complaint <ul style="list-style-type: none"> ○ September 15, 2003 – Defendant-Specific Memoranda in Support of the Motions to Dismiss the Amended Complaint of the State of

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
			<ul style="list-style-type: none"> ○ Nevada and the Second Amended Complaint of the State of Montana ○ October 10, 2003 – Plaintiffs State of Nevada's and State of Montana's Joint Memorandum in Opposition to Defendants' Motion to Dismiss ○ October 13, 2003 – State of Montana's and State of Nevada's Memorandum in Opposition to Defendant-Specific Memoranda on Motions to Dismiss ○ October 28, 2003 – Unopposed Motion to Extend the Dates for Filing of Defendants' Reply And Plaintiffs' Surreply on the Defendants' Motions to Dismiss the State of Montana's Second Amended Complaint And the State of Nevada's Amended Complaint ○ November 7, 2003 – Consolidated Reply Memorandum In Support Of Defendants' Motion To Dismiss The State Of Montana's Second Amended Complaint And The State Of Nevada's Amended Complaint ○ November 7, 2003 – Defendant Specific Replies in Support of Motions to Dismiss Amended Complaints of Montana and Nevada ○ November 25, 2003 – Plaintiffs State of Nevada's and State of Montana's Joint Surreply in Opposition to Defendants' Motion to Dismiss ○ December 3, 2003 – Fujisawa Healthcare and Fujisawa USA joinder in joint motion to dismiss Nevada and Montana actions ○ December 12, 2003 – Hearing held at 2:00pm ○ June 14, 2004 – Memorandum and Order on Defendants' Motion to Dismiss the Montana and Nevada Actions ○ No Further Action Required by the Court
California <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs, Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> • Renewed Motion to Remand <i>sub judice</i> <ul style="list-style-type: none"> ○ Hearing held on December 12, 2003 ○ Supplemental Brief Regarding the Issue of Federal Preemption of Rebate Claims filed by Plaintiff on December 18, 2003 ○ Response filed by Abbott on January 9, 2004 • Briefing on motion to dismiss postponed pending a ruling on renewed motion to remand

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
County of Suffolk v. Abbott Labs., Inc. et al.	03-CV-10643-PBS	E.D.N.Y.	<ul style="list-style-type: none"> • Motions to Dismiss <i>sub judice</i> <ul style="list-style-type: none"> ◦ Hearing held on December 12, 2003 ◦ June 14, 2004 – Defendants' Notice of Supplemental Authority in the Suffolk case ◦ June 18, 2004 – Plaintiff Suffolk County's Response To Defendants' Notice Of Supplemental Authority ◦ June 24, 2004 – Defendants' Motion to Strike Plaintiffs' Response to Defendants' Notice of Supplemental Authority, or for Leave to File a Reply ◦ June 28, 2004 – Plaintiff Suffolk County's Opposition To Defendants' Motion To Strike Suffolk's Response To Defendants' Notice Of Supplemental Authority ◦ June 29, 2004 – Order denying Motion to Strike Response to Defendants' Notice of Supplemental Authority ◦ Motion Pending before the Court • Transferred to MDL 1456 in or around November 2003 • Stipulation in place extending defendants time to answer until 30 days after decision on motions to dismiss Suffolk County complaint • Transferred to MDL by JPML on February 13, 2004 • Stipulation in place extending defendants' time to answer until 30 days after decision on motions to dismiss Suffolk County complaint • Transferred to MDL 1456 in or around December 2003 • June 2, 2004 – Motion of the State of Texas and Relator to Remand Action to Texas State Court <i>sub judis</i> <ul style="list-style-type: none"> ◦ June 2, 2004 – The State of Texas and Relator's Memorandum of Law in Support of Motion to Remand ◦ No Opposition to be Filed ◦ Motion Pending before the Court
County of Rockland v. Abbott Labs., Inc. et al.	03-CV-12347-PBS	S.D.N.Y.	<ul style="list-style-type: none"> • Transferred to MDL 1456 in or around November 2003 • Stipulation in place extending defendants time to answer until 30 days after decision on motions to dismiss Suffolk County complaint • Transferred to MDL by JPML on February 13, 2004 • Stipulation in place extending defendants' time to answer until 30 days after decision on motions to dismiss Suffolk County complaint
County of Westchester v. Abbott Labs., Inc. et al.	n/a	S.D.N.Y.	<ul style="list-style-type: none"> • Transferred to MDL 1456 in or around November 2003 • Stipulation in place extending defendants time to answer until 30 days after decision on motions to dismiss Suffolk County complaint
Texas <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Roxane Laboratories, Inc.	n/a	Removed to W.D. Tex.	<ul style="list-style-type: none"> • Transferred to MDL 1456 in or around November 2003 • Stipulation in place extending defendants time to answer until 30 days after decision on motions to dismiss Suffolk County complaint

MDL 1456 STATUS CHART – PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> December 5, 2003 – Defendant Hoffmann-La Roche Inc.'s Motion for a Continued Stay of Discovery Pending Ruling on its Individual Motion to Dismiss the AMCC <ul style="list-style-type: none"> December 19, 2003 – Plaintiffs' Memorandum in Opposition to Hoffmann-La Roche, Inc.'s Motion for a Continued Stay of Discovery December 23, 2003 – Plaintiffs' Motion for Leave to File Under Seal An Unredacted Version of Plaintiffs' Memorandum In Opposition to Hoffmann-La Roche, Inc.'s Motion For a Continued Stay of Discovery December 23, 2003 – Plaintiffs' Memorandum In Opposition to Hoffmann-La Roche Inc.'s Motion for a Continued Stay of Discovery December 29, 20030 – Hoffmann-La Roche Inc.'s Response to Plaintiffs' Motion for Leave to File Under Seal December 29, 2003 – Hoffmann-La Roche Inc.'s Reply Memorandum In Further Support of its Motion for a Continued Stay of Discovery December 29, 2003 – Hoffmann-La Roche Inc.'s Motion for Leave to File Reply Memorandum January 7, 2004 – Response Of Defendant GlaxoSmithKline To Plaintiffs' Motion For Leave To File Under Seal An Unredacted Version Of Plaintiffs' Memorandum In Opposition To Hoffmann-La Roche's Motion For A Continued Stay Of Discovery March 10, 2004 – Order 3/10/04 Finding as Moot Hoffmann-La Roche's Motion for Continued Stay of Discovery No Further Action Required by the Court April 2, 2004 – Motion for Entry of Separate and Final Judgment In Favor of Hoffmann-La Roche Inc. <i>sub judis</i> <ul style="list-style-type: none"> April 23, 2004 – Plaintiffs' Statement in Response to Motion for Entry of Separate and Final Judgment in Favor of Defendant Hoffmann-La Roche Inc. Pursuant to Federal Rule of Civil Procedure 54(B) Motion Pending before the Court

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
			<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ March 22, 2004 – Defendants' Memorandum in Support of Entry of Proposed Case Management Order No. 10 ○ March 23, 2004 – Plaintiffs' Reply Memorandum in Support of Entry of Proposed Case Management Order Regarding Phased Discovery and Related Issues ○ March 24, 2004 – Plaintiffs' CORRECTED Reply Memorandum in Support of Entry of Proposed Case Management Order Regarding Phased Discovery and Related Issues ○ March 25, 2004 – Case Management Order No. 10 ○ No Further Action Required by the Court <ul style="list-style-type: none"> ○ March 31, 2004 – Defendants' Motion For Clarification of CMO 10 ○ April 1, 2004 – Plaintiff States of Montana and Nevada's Response to Defendants' Motion for Clarification of CMO 10 ○ April 1, 2004 – The County of Suffolk's Response To Certain Defendants' Motion For Clarification Of CMO 10 ○ April 1, 2004 – The County Of Suffolk's Corrected Response To Certain Defendants' Motion For Clarification Of CMO 10 ○ April 8, 2004 – Order entered clarifying CMO 10 ○ No Further Action Required by the Court <ul style="list-style-type: none"> ○ March 5, 2004 – Amgen's Motion for Reconsideration Regarding Memorandum and Order dated February 24, 2004 ○ March 8, 2004 – Amgen's Corrected Motion for Reconsideration ○ March 17, 2004 – Plaintiffs' Opposition to Amgen's Motion for Reconsideration ○ June 9, 2004 – Order granting Amgen's Motion for Reconsideration Regarding Memorandum and Order dated February 24, 2004 ○ No Further Action Required by the Court <ul style="list-style-type: none"> ○ March 18, 2004 – United States filed a Brief as <i>Amicus Curiae</i> on the federal preemption issue ○ March 24, 2004 – Defendants' Unopposed Motion for Leave to File a Consolidated Reply Memorandum in Response to the <i>Amici</i> Memoranda Filed by the Commonwealth of Massachusetts and the United States ○ March 25, 2004 – Order Granting Leave to File Reply Memorandum in Response to <i>Amici</i> Memoranda ○ April 9, 2004 – Defendants' Brief in Response to the <i>Amicus Curiae</i>

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
			<ul style="list-style-type: none"> • April 7, 2004 – Motion To Dismiss the December 5, 2003 and January 22, 2004 Amended Master Consolidated Class Action Complaints On Behalf of Boehringer Ingelheim Corporation, Ben Venue Laboratories, Inc., and Bedford Laboratories <ul style="list-style-type: none"> ◦ April 22, 2004 – Class Plaintiffs' Motion For Extension of Time to File Opposition to Motion to Dismiss the December 5, 2003 and January 22, 2004 AMCC on Behalf of Boehringer et al. ◦ April 27, 2004 – Motion to Substitute Proper Party Boehringer Ingelheim Pharmaceuticals, Inc. for Boehringer Ingelheim Corporation and Response in Opposition to Boehringer Defendants' Motion to Dismiss ◦ April 27, 2004 – National Automatic Sprinkler Industry Welfare Fund's Motion to Intervene as a Named Plaintiff in Response to Motion to Dismiss of Defendants Boehringer Ingelheim Corporation, Ben Venue Laboratories, Inc., and Bedford Laboratories ◦ April 29, 2004 – Order granting Motion by All Plaintiffs for Extension of Time to File Opposition to Motion to Dismiss ◦ June 9, 2004 – Order denying Motion to Substitute Proper Party Boehringer Ingelheim and denying as Untimely Motion to Intervene by National Automatic Sprinkler Industry Welfare Fund ◦ June 9, 2004 – Order granting Bedford's Motion to Dismiss. ◦ No Further Action Required by the Court • April 12, 2004 – Motion For Protective Order Of Boehringer Ingelheim Corporation, Ben Venue Laboratories, Inc., And Bedford Laboratories <ul style="list-style-type: none"> ◦ April 27, 2004 – MDL Class Plaintiffs' Motion For Extension Of Time To File Opposition To Motion For Protective Order Of Boehringer Ingelheim Corporation, Ben Venue Laboratories, Inc., And Bedford Laboratories ◦ April 29, 2004 – Order 4.29.04 Granting Motion by All Plaintiffs for

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
			<ul style="list-style-type: none"> ○ Extension of Time to File Opposition to Motion for Protective Order ○ April 29, 2004 – Opposition to Boehringer Ingelheim Corporation, Ben Venue Laboratories, Inc. and Bedford Laboratories' Motion for a Protective Order ○ April 30, 2004 – Defendants Boehringer Ingelheim Corporation, Ben Venue Laboratories, Inc. And Bedford Laboratories' Motion For Leave To File Reply Memorandum To Plaintiffs' Opposition To Boehringer Ingelheim Corporation, Ben Venue Laboratories, Inc. And Bedford Laboratories' Motion For A Protective Order ○ May 11, 2004 – Notice Of Filing Reply and Reply To Plaintiffs' Memorandum In Opposition To Motion For Protective Order ○ May 19, 2004 – Order Granting Motion for Leave to File Reply Memorandum to Plaintiffs' Opposition to Motion for Protective Order ○ June 9, 2004 – Order Denying as Moot Bedford's Motion for Protective Order ○ No Further Action Required by the Court • April 27, 2004 – Plaintiff Suffolk County's Motion Respecting Coordinated Discovery <i>sub judis</i> <ul style="list-style-type: none"> ○ May 11, 2003 – Response of Liason Counsel to Suffolk County's Motion Respecting Coordinated Discovery ○ May 24, 2004 – Plaintiff Suffolk County's Reply on Motion Respecting Coordinated Discovery ○ May 26, 2004 – Plaintiffs' Motion to File A Surreply In Opposition to Suffolk County's Reply on Motion Respecting Coordinating Discovery; Liaison and Plaintiff Counsels' Surreply to Suffolk County's Reply on Motion Respecting Coordinated Discovery ○ May 28, 2004 – Memorandum of Bristol-Myers Squibb Company in Response To The Motion Of County Of Suffolk Addressing The Role Of Liaison Counsel For All Plaintiffs ○ June 22, 2004 – Order Granting Plaintiffs' Motion for Leave to File a Surreply in Opposition to Suffolk County's Reply on Motion Respecting Coordinating Discovery ○ Motion Pending before the Court • May 3, 2004 – Plaintiffs' Motion to Compel The Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, Astrazeneca, Schering Plough, Slicor and Together Rx

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
			<p>Defendants sub juds</p> <ul style="list-style-type: none"> ○ May 3, 2004 – Plaintiffs’ Memorandum in Support of Motion to Compel the Production of Documents Created During the Relevant Time Period From Defendants Abbott Laboratories, AstraZeneca, Schering Plough, Sisor and Together Rx Defendants ○ May 17, 2004 – Certain Defendants’ Notice of Opposition to Plaintiffs’ Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time ○ May 26, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Schering-Plough (<i>Note: withdrawal applies only to Schering-Plough</i>) ○ May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel ○ May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs’ Motion to Compel the Production of Documents ○ May 28, 2004 – Notice Of Withdrawal Of Plaintiffs’ Motion To Compel The Production Of Documents Created During The Relevant Time Period Directed At Defendant Abbott Laboratories (<i>Note: withdrawal applies only to Abbott Laboratories</i>) ○ June 8, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. (<i>Note: withdrawal applies only to AstraZeneca</i>) ○ June 9, 2004 – Plaintiffs’ Reply Memorandum In Support of Motion To Compel The Production of Documents Created During The Relevant Time Period From The Together Rx Defendants ○ June 22, 2004 – Order granting Plaintiffs’ Motion to Withdraw Motion to Compel Directed at Abbott Laboratories ○ June 22, 2004 – Order granting AstraZeneca’s Assented to Motion for Extension of Time to File Response to Plaintiffs’ Motion to Compel ○ June 22, 2004 – Order finding as Moot AstraZeneca’s Motion for Extension of Time to Oppose Plaintiffs’ Motion to Compel ○ Awaiting scheduling of hearing or ruling by Court and Together Rx Defendants.

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
			<ul style="list-style-type: none"> • June 15, 2004 – The Track One Defendants’ Motion for Protective Order <ul style="list-style-type: none"> ◦ June 24, 2004 – Plaintiffs’ Opposition to Track One Defendants’ Motion for Protective Order ◦ Awaiting scheduling of hearing or ruling by Court.
Thompson v. Abbott Labs., Inc. et al.	03-CV-11286-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> • Motion to Remand denied on January 9, 2004 • Notice of Voluntary Dismissal of Defendants not named in the AMCC filed February 23, 2004 • No Further Action Required by the Court
Turner v. Abbott Labs., Inc. et al.	03-CV-10696-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> • Motion to Remand denied on January 9, 2004 • Notice of Voluntary Dismissal of Defendants not named in the AMCC filed February 25, 2004 • No Further Action Required by the Court
Congress of California Seniors v. Abbott Labs., Inc. et al.	03-CV-10216-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> • Motion to Remand denied on January 9, 2004 • No Further Action Required by the Court
International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al.	n/a	Removed to D.N.J.	<ul style="list-style-type: none"> • Transferred to MDL 1456 by JPML on December 3, 2003 • Motion to Remand filed in District of New Jersey prior to transfer; briefed while pending in District of New Jersey